



Maryland Department of Planning

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

October 12, 2010

Ms. Susan Swift
Acting Director
Department of Community Planning and Development Services
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850-2364

Dear Ms. Swift:

I am writing in regard to the requirements of HB 1141 relative to inclusion of a Water Resource Element (WRE) and a Municipal Growth Element (MGE) in your comprehensive plan. Our records indicate that you have not adopted one or both of these elements into your plan.

According to HB 1141, a county is required to include a WRE and a municipal corporation is required to include a WRE and MGE in its local comprehensive plan by October 1, 2009. The Maryland Department of Planning was given the authority to approve up to two six month extensions from the October 1, 2009 deadline if the jurisdictions could demonstrate good cause as to why the required element could not be included in the plan by the deadline. If a county or municipality failed to meet the October 1, 2009 or April 1, 2010 extended deadline and did not ask MDP for an extension or if both extension periods have expired, then §3.05(f)(3) of Article 66B applies:

“A county or municipal corporation that is not in compliance with paragraph (1) of this subsection [the requirement to include any plan element in §3.05] after October 1, 2009 or after the expiration of any extension granted under paragraph (2) of this subsection, may not change the zoning classification of a property until that county or municipal corporation complies with the requirements of this subsection.”

MDP sent written notice about these requirements and the allowable extensions to all applicable jurisdictions in May 2009. We also followed up with letters and phone calls to those jurisdictions that did not request extensions and/or did not adopt these required elements by the required deadlines. The two allowable extension periods have now expired, as of October 1, 2010.

Since the original passage of HB 1141, MDP has published technical guidance, conducted workshops, provided grants and kept local jurisdictions up to date on the timeframe for compliance. We remain committed to assist jurisdictions in meeting this important obligation.

The purpose of this letter is to determine the status of your work and progress toward adoption of your WRE and/or MGE. Please provide the following information, in writing or via email, by October 29, 2010:

- Whether your WRE and/or MGE has been adopted and if so, the date(s) of adoption
- Whether your WRE and/or MGE has been scheduled for adoption and if so, the expected date(s) of hearing and adoption
- Whether your WRE and/or MGE has not been adopted and has not been scheduled for adoption and if not, your plan and timeline for meeting the requirements of HB1141

Once adopted, the comprehensive plan or any element such as the WRE and/or the MGE should be submitted to the Maryland Department of Planning C/O State Depository Librarian per § 5-502 of the Maryland Code. MDP requires one (1) hard copy and one (1) digital copy be submitted to the depository.

Please feel free to contact me with any questions or concerns you may have. I can be reached at rjosephson@mdp.state.md.us or by phone at 410-767-0901.

Sincerely,



Richard Josephson
Director, Planning Services

cc: Richard Eberhart Hall, AICP, Secretary, MDP
Matthew J. Power, Deputy Secretary, MDP
Peter Conrad, Director, Local Planning Assistance
MDP Regional Planners